

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Felipe Villa,

Plaintiff,

Case No.:
Hon.

vs.

APTIV US SERVICES GENERAL
PARTNERSHIP, a Delaware partnership,

Defendant.

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This action is related to Case No. 22-cv-12763, *Villa v. Aptiv PLC* (Hon. Mark A. Goldsmith), which the Court dismissed without prejudice on December 7, 2022. (See, Case No. 22-12763, ECF No. 6, PageID.21)

COMPLAINT AND JURY DEMAND

Plaintiff Felipe Villa (“Villa”) brings this action for age discrimination in violation of the Age Discrimination in Employment Act of 1967 (“ADEA”), 29

U.S.C. § 621, *et seq.* against Aptiv US Services General Partnership (“Aptiv” or the “Company”) and states as follows:

**JURISDICTION, VENUE and
EXHAUSTION OF ADMINISTRATIVE REMEDIES**

1. The jurisdiction of this Court over this controversy is based on federal question jurisdiction 28 U.S.C. §1331.

2. Villa is a citizen of the State of Michigan and Aptiv is incorporated in Delaware and has its principal place of business in Michigan.

3. Venue in this judicial district is proper because a substantial part of the events giving rise to this claim occurred in the Eastern District of Michigan.

4. Villa filed a Charge of Age Discrimination within 300 days of his termination of employment and has waited the required 60 days from the filing of the Charge to bring this action. 29 U.S.C. § 626(d)(1).

STATEMENT OF FACTS

5. Villa, who was born in Mexico, is a United States citizen born on January 2, 1965 (age 57).

6. From April 1988 until September 2009 (21 years, 6 months), Mr. Villa was employed by Delphi Corporation, Aptiv’s corporate predecessor, where he held the following positions: Production supervisor, General Supervisor, Lean Manager, General supervisor, Operations Manager and Plant Manager. During his employment with Delphi, Villa managed operations and logistics for

communications and entertainment products for the automotive industry and drove Lean & Continuous improvement in the North American region.

7. From October 1998 through July 2004, Mr. Villa was assigned to Delphi plant operations in Reynosa, Mexico, where he served as a Plant Operations Manager and member of the Delphi Lean Kaizen regional teams implementing Delphi Manufacturing systems as assisted by Toyota Japanese advisors.

8. From August 2004 until September 2009 (5 years), Mr. Villa was employed by Delphi on special assignment as Plant Manager of the Milwaukee, Wisconsin and Kokomo, Indiana Delphi Plants where he managed operations, logistics, finance, lean implementation, and continuous improvement in an electronics manufacturing plant.

9. In September 2009 Mr. Villa left Aptiv and joined Johnson & Johnson. From September 2009 to September 2014, Mr. Villa was employed at DePuySynthes Companies of Johnson & Johnson in New York at its metal implant manufacturing facilities.

10. In September of 2014, Aptiv approached Mr. Villa and requested that he return to the Company. Villa had conversations with his previous Delphi Manager, Bill Guggina.

11. Aptiv, through Mr. Guggina, offered Villa the position of OpEx Corporate Manager based in Troy, Michigan.

12. Mr. Villa accepted the offer to return to Aptiv as its Corporate OpEx Manager.¹

13. After starting his employment in the position of Corporate OpEx Manager, Mr. Villa was then reassigned to the position of Connection Systems, Americas as OpEx Manager.

14. In 2017, Mr. Villa was promoted to the position of Global OpEx Director, the position he held for the next 5 years until the time of his separation.

15. Thus, after returning to Aptiv in 2014, Mr. Villa worked for the Company another 7 years and 10 months before his July 31, 2022, termination.

16. Mr. Villa has a combined 29 years plus of service to Aptiv/Delphi.

17. Mr. Villa reported to Martin Becker, Global VP of Operation for Aptiv Connection Systems (“CS”) from 2017 to June of 2022 when Mr. Becker was separated from the Company.

18. Mr. Becker, a German national, reported to Stefan Rustler, a German national who was President of Aptiv CS. Mr. Rustler departed the Company mid-year 2022.

¹ OpEx is common job designation in advanced manufacturing and is shorthand for “Operational Excellence.” The OpEx manger is responsible for devising strategies such as lean manufacturing principles to optimize business procedures, ensuring efficiency, and smooth workflow.

19. Upon Mr. Rustler's departure, Jose Carlos Jimenez ("Mr. Jimenez") assumed the duties of President of Aptiv Connection Systems.

20. Mr. Villa performed his duties as Global OpEx Director for Aptiv's from various remote locations and from Aptiv's office building located in Troy, Michigan which was close to his Michigan residence. Mr. Villa was not required to relocate to a foreign county.

21. The CS Division of Aptiv has 32 manufacturing plants globally. Prior to the pandemic, Mr. Villa would be travelling 75% to 85% of the time supporting these plants in person.

22. Mr. Villa would typically leave Detroit on Sunday or Monday and he would go directly to the plant upon his arrival. Mr. Villa would normally return to Michigan on the weekend.

23. When Mr. Villa traveled to Asia Pacific or Europe, he would normally stay two or three weeks depending on the issue and the plant's progress in dealing with corrective actions.

24. Mr. Villa would remain on the plant production floor to assist in improving operations.

25. While he was at one plant location, Mr. Villa would often conduct virtual training sessions with personnel in other plants in different locations around

the world. The start time for these training sessions often started after midnight, and often at 4:00am to 5:00am.

26. During the pandemic years (March 2020 to April 2021) Mr. Villa successfully performed his duties remotely supporting all regions day and night. Mr. Villa resumed his travel routine after June 2021 when pandemic restrictions were relaxed.

27. During the pandemic months, the Operations Director for North America resigned and Aptiv appointed Mr. Villa as Interim Operations Director for North America. In that role, Mr. Villa was responsible for Plant operations plus all financial and P&L responsibilities. He successfully performed these duties remotely in addition to his global OpEx role.

28. In February 2022, the Americas OpEx manager position became vacant. Mr. Becker asked Mr. Villa to perform the duties of the North America OpEx Manager in addition to his duties as Global OpEx Director. Mr. Villa enthusiastically accepted this additional responsibility.

29. Mr. Villa successfully performed the duties of North America OpEx Manager. His duties included managing the regional OpEx leaders and supporting them in their development as OpEx managers. He also led the North America Lean 2.0 deployment by conducting training of personnel on that new platform. He was responsible for carrying out Kaizen events and activities used to support the

performance and cost reduction projects at Aptiv's North American Plants so that targets could be met.

30. Prior to his departure from the Company, Mr. Becker informed Mr. Villa that Mr. Jimenez had decided to eliminate the Global OpEx operations.

31. Mr. Villa met with an Aptiv Human Resources representative (Danielle Bettura) on June 29, 2022. In this meeting he was officially informed that he would be separated on July 31, 2022, because of restructuring and job elimination ordered by Mr. Jimenez.

32. At that meeting, Mr. Villa informed Ms. Bettura that he had been performing the position of North America OpEx Manager for about eight months and that the position was still open. He asked to be placed into that position. Ms. Bettura did not respond to Mr. Villa.

33. Mr. Villa asked Mr. Becker why he was not being placed into the North America OpEx Manager position. Mr. Becker replied, "Because Mr. Jimenez does not want you to be part of the Americas team." No further explanation was provided by Mr. Becker.

34. Shortly after this conversation with Mr. Becker, Mr. Villa sent an email to Mr. Jimenez with his CV attached requesting that he be considered for the open NA OpEx position noting that he been successfully performing the duties of the NA OpEx manager in addition to his Global OpEx Director duties.

35. Mr. Jimenez never replied to Mr. Villa.

36. Mr. Villa sent emails to other Aptiv Division Heads asking to be considered for any other open positions.

37. Mr. Villa spoke with Jesus Beas, Managing Director of the Americas, and requested to be considered for the NA OpEx position. Mr. Beas was very interested in hiring Mr. Villa into the NA OpEx position but discontinued his interest after he spoke with Jimenez about the prospect of placing Mr. Villa into the position.

38. A similar email was sent to Arturo Alvarez, head of the EDS Division, who responded by stating that he would keep Mr. Villa's application to be placed in the open position "in mind." Mr. Villa made similar inquiries to Steve Witting, SPS Global Vice President, and to Jim Murray and Glen De Voz, senior managers of ASUX Division.

39. Mr. Villa has had a stellar career with Aptiv earning without exception "outstanding" or "exceeds expectations" annual performance evaluations.

40. In most years of his employment, Mr. Villa received substantial merit increases and generous bonuses for his outstanding service to the Company

41. At the time of his termination, Mr. Villa was an Executive level Grade 9.2 which entitled him to substantial Executive level benefits.

42. More recently, Mr. Villa received accolades from Jarod Scherer, President of Andaya Technologies (owned by Aptiv) and his former supervisor Martin Becker, Director of Aptiv Global Operations.

43. On May 13, 2022, Jarod Scherer wrote an email to Mr. Villa's manager, Martin Becker. He praised Mr. Aptiv's work, stating:

"I wanted to reach out to you and recognize Felipe and his team for their efforts and leadership at the Lean Leadership Training this week. I was really impressed by the transformation of the team and the level of growth they showed coming out of the training. I think it started with an engaged and competent team, but I was certainly not expecting the level of growth I saw at the end. The feedback has been overwhelmingly positive and they spoke specifically about Felipe's leadership. He is an engaging and supportive teacher who has a real gift for this type of training. I know it was a major investment, but I believe it will pay back many times over. Jarod Scherer.

44. Almost immediately after receiving the email from Jarod Scherer, Mr. Becker wrote back stating:

"Thanks for your great feedback. You are repeating the feedback I received about Felipe and the LLT from other sites. I will convey the message to him on Monday when I see him back at Centec, Thanks as well for the support to let him run the WS during these times.

45. After being informed of Mr. Villa's separation, Mr. Scherer wrote to Felipe stating:

"...I am really disappointed to hear this news. As a business, the impact you have had just on our plant, but on so many plants cannot be measured. I personally learned a great deal from you and will miss your leadership..."

46. After Mr. Villa's separation, Mark Becher added this to Mr. Villa's LinkedIn page.

"Felipe is one of the best OpEx and CI-Experts I have ever worked with. I had the pleasure to work with him over the last 4 years and during this time he always achieved the great results. His problem-solving skills, his relentless focus on waste elimination combined with his ability to engage and inspire people for Lean is outstanding. He is a great professional with the right sense of urgency, passion for results and a great friend.

47. The Company, as of the filing of this Complaint, has not filled the NA OpEx position.

48. The only explanation offered by a Company representative for the Company's steadfast refusal to consider Mr. Villa for placement into this position was that Mr. Villa would have to relocate to Mexico to perform that job.

49. The Company is fully aware of Mr. Villa's willingness and ability to travel extensively to North American operations to perform all the duties of the NA OpEx position without formally relocating to Mexico, and that as Global OpEx Director he was able to successfully perform the duties of the position through extensive travel without having to relocate to a foreign county.

50. Aptiv is fully aware of the reason Mr. Villa cannot relocate to a foreign country: Mr. Villa is married and lives with his wife Michigan. He has two adult daughters who live in Michigan and Boston and an 18 year-old son who is currently enrolled at the University of Michigan in Ann Arbor.

51. Mr. Villa, through his legal representative, informed the Company that this excuse for not placing Mr. Villa in the NA OpEx position is a pretext for age discrimination.

52. Mr. Villa, through his counsel, cited several examples of comparable younger United States executives who were permitted to carry out their multi-national duties without formally relocating to a foreign country.

Count I
Age Discrimination in Violation of the ADEA

53. Aptiv is an employer subject to the legal requirements of the ADEA.

54. The ADEA prohibits an employer from discriminating against an employee because of age or otherwise acting in a manner which deprives or tends to deprive the employee of an employment opportunity because of age. 29 U.S.C. § 623.

55. Aptiv discriminated against Mr. Villa because of his age when it refused to place him in the NA OpEx position knowing that he had successfully performed the position for eight months prior to his termination and that the position remains open.

56. The reason for denying Mr. Villa this opportunity is a pretext for age discrimination as demonstrated by the fact that Aptiv routinely permits United States Executives to perform multi-national positions without formally relocating to a foreign country.

57. Aptiv's conduct was a willful violation of Villa's right under the ADEA entitling him to award of liquidated damages equal to two times his economic losses.

58. As a direct and proximate result of Company's age bias against Mr. Villa, Mr. Villa has suffered and will continue to suffer lost wages and other economic advantages of employment:

59. Accordingly, Mr. Villa requests the following relief:

- A. An order reinstating him to the open NA OpEx position or a comparable position.
- B. An order awarding Mr. Villa compensation in an amount he is found to be entitled to.
- C. An order awarding Mr. Villa liquidated damages.
- D. An order awarding Mr. Villa costs, attorney fees and litigation expenses as provided for under the ADEA.
- E. An order granting Mr. Villa such other relief as the court deems just and equitable.

Respectfully submitted,

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Dated: April 17, 2023

DEMAND FOR JURY TRIAL

Plaintiff, by and through his attorneys, hereby demand a trial by jury of the issues so triable in the above-captioned cause of action.

Respectfully submitted,

PITT MCGEHEE PALMER BONANNI & RIVERS

s/Michael L. Pitt

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Dated: April 17, 2023